

### **REMARKS**

Claims 22-49 are present in this application. Claims 22, 29, 36 and 43 are independent. Claims 22, 36, 43 and 44 have been amended. No new matter is added.

Claims 22 and 36 are amended for even better compliance with 35 U.S.C. §101, and claims 43 and 44 are amended to improve form. Support for the claims is found in the disclosure as originally filed.

Entry and consideration of the amendments are requested since the amendments place the application in condition for allowance or in form for appeal.

For the following reasons, reconsideration is respectfully requested.

### **Claim rejection – 35 U.S.C. § 103**

Claims 22-24, 28-31, 35-38, 42-45 and 49 are rejected under 35 U.S.C. § 103(a) over Tozaki et al., (U.S. Patent No. 7,398,010), in view of Weijenbergh et al., (U.S. Patent No. 7,248,555).

Claims 25, 26, 32, 33, 39 and 40 are rejected under 35 U.S.C. § 103(a) over Tozaki, in view of Weijenbergh, and further in view of Mishima et al., (U.S. Patent No. 7,343,083).

Claims 27, 34, 41 and 48 are rejected under 35 U.S.C. § 103(a) over Tozaki, in view of Weijenbergh, and further in view of Kojima (U.S. Patent No. 5,953,484).

The rejections are respectfully traversed.

It is respectfully submitted that Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest a method of recording data on a recording medium, the method implemented in an optical disc apparatus and comprising (a) recording a control information on a lead-in area of the recording medium using a pick-up included in the apparatus, the control information including a playback speed information and a maximum transfer rate information specifying a maximum transfer rate needed by an application, wherein the maximum transfer rate information is represented by a bit rate, the playback speed information is distinguished from the maximum transfer rate information, a playback speed by the playback speed information is for suitably reproducing a main data, and the playback speed information is recorded in one byte long field and is represented by a multiplication of a basic speed

information; and (b) recording main data in a main data area of the recording medium using the pick-up, as recited in claim 22.

Also, is respectfully submitted that Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claims 29, 36 and 43, which recite similar features of varying scope.

Tozaki is acknowledged as deficient, but Weijenbergh is applied as remedying the deficiencies of Tozaki. However, a closer reading of Weijenbergh also reveals its deficiency.

By way of review, it is noted that since independent claims, including claim 22, include the feature “a playback speed by the playback speed information is for suitably reproducing a main data”, the playback speed is related to the reproduction of main data. Only in bytes 32-47 of Weijenbergh, the “reference velocity” and “maximum (recording) velocity” are referred to, and there is no disclosure thereof in other parts of Weijenbergh. In bytes 32-47 of Weijenbergh, the “reference velocity” and “maximum (recording) velocity” are related to operations of an OPC (Optical Power Control), so they are simply used as velocities to control (adjust) the power of a laser diode, and not used to reproduce the main data. That is, Weijenbergh does not disclose the feature of recording both the playback information and the maximum transfer rate information in a recording medium.

Further, the lowest reading rate of Tozaki and the maximum read transfer rate of Weijenbergh are different from each other in their names, but are substantially same in their functions to have same possible values (i.e., 10.08, 5.04 and 2.52Mbps) (see col. 14, lines 48-59 of Tozaki and col. 14, lines 10-19 of Weijenbergh). So, even when Tozaki and Weijenbergh are combined, not only they fail to disclose or suggest each and every feature of the independent claims, but it would be impossible to obtain the feature of recording both the playback information and the maximum transfer rate information in a recording medium even when combining the two cited references.

Accordingly, Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claim 22, and Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claims 29, 36 and 43 reciting similar features of varying scope. Based on all of the above, claims 22, 29, 36 and 43 are patentably distinguishable over the applied references and their combination.

Further, other cited reference fails to cure the deficiency of Tozaki and Weijenbergh. Thus, the respective dependent claims are also patentably distinguishable over the applied references and/or their combination for at least the reasons discussed above and/or for the additional features they recite.

Withdrawal of the rejections is respectfully requested.

### CONCLUSION

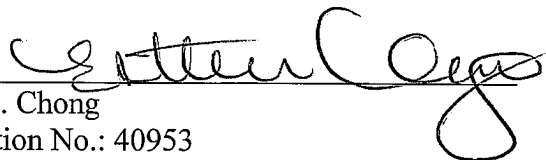
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Registration No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: JUL 11 2011

Respectfully submitted,

By   
Esther H. Chong  
Registration No.: 40953  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000